

**Title 2—DEPARTMENT OF
AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules**

EMERGENCY RULE

2 CSR 70-14.140. Waste disposal of unusable hemp and hemp extract.

PURPOSE: Establishes the requirements for storage of all hemp waste and hemp extract waste, the disposal of waste, and the records to maintain.

*EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, peace and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (“MDA”) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitution**. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014 and expires April 15, 2015.*

- 1) All hemp waste and hemp extract waste must be stored in secured, locked rooms or buildings and managed in accordance with this section and section 2 CSR 70-14.130.
- 2) Each cultivation and production facility and cannabidiol oil care center must submit to the department a plan for the disposal of all hemp waste and/or hemp extract waste. Allowable disposal methods are:
 - a) Destruction.
 - b) Recycling.
 - c) Donation to an institution of higher education for research.

- 3) Plans shall detail the destruction location, type and procedures of destruction used, recycling methods or procedures, and procedures for donation to an institution of higher education for research purposes and a description of the proposed research.
- 4) Records maintained in the hemp monitoring system shall include:
 - a) Date of disposal.
 - b) Disposal method and procedures followed.
 - c) Disposal location.
 - d) Name and title of employee responsible for disposal.
 - e) Quantity, variety, and lot number of hemp disposed of.
 - f) Quantity and batch number of hemp extract disposed of.
 - g) Reason for disposal.
 - h) If donated for research:
 - i) Recipient's name and location.
 - ii) Name of custodian/researcher.
 - iii) Quantity, variety, lot number and batch number

AUTHORITY: Section 261.265, RSMo. Emergency rule filed October 8, 2014, effective October 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the Missouri Register.